

IN THE DRAWING

Cancel Figure 64 without prejudice or disclaimer.

REMARKS

The issue of a non-final Action to correct discrepancies in cited references is appreciated. The abstract has been amended to correct the clerical error kindly pointed out in the Office Action. The specification and claims have been amended and proposed new Figure 64 deleted to delete all alleged new matter illustrating the floating dry dock recited in former Claims 14 and 27, as required by the Action. This action is taken to advance prosecution and the issue of Applicant's patent for claims deemed more allowable.

Claims 4 and 19 have been amended to clarify the invention embodied in the vessels in claims remaining rejected. New Claims 28 and 29 have been added to recite preferred embodiments of the vessel of Claim 19. No new matter is believed to be introduced by any of these amendments. Support is found in paragraphs 0119 through 0131 of the published application as well as Figures 57 through 63. For example, paragraph 0130 describes methods of casting the reinforced concrete boxes of hexagonal and half-hexagonal cross sections, Figure 57 and paragraph 0121 describe the separable and defined bow, stern and mid-body sections of the disclosed vessel, and Figure 62 illustrates the open cross section of the hexagonal boxes, as described in paragraph 0129.

PREFERRED FIGURE FOR ISSUED PATENT

The publication of the present application printed Figure 5, which pertains to seawall structures constructed of components which may be transported by the ships presently disclosed and claimed. In accordance with MPEP 1302.09, it is again respectfully requested that either Figure 57 or 44 be designated for printing in the *Official Gazette* and on the face of the patent as more representative of the claimed invention. **It is**

respectfully requested that Applicant be advised of the Examiner's decision.

REJECTIONS UNDER 35 U.S.C. 112

The rejection of Claim 14 under 35 U.S.C. 112, first paragraph, is mooted by the cancellation of this claim (and Claim 27) to advance prosecution. Applicant and his undersigned Attorney maintain that a "floating dry dock" is a commonplace vessel of long history as well known to those in the maritime field as, e.g. a barge or tugboat, possessing a characteristic form and mode of operation.

ANTICIPATION REJECTION

The rejection of Claim 19 under 35 U.S.C. 102(b) over WO 90/08059 is again respectfully traversed. The Action alleges that figures 5 and 6 of this reference disclose "a vessel comprising what can be considered to be separable bow, stern and midship sections, ... of precast concrete boxes having hexagonal or half-hexagonal cross-sections..." [Emphasis added.] and that the boxes are "oriented vertically and interconnected by mechanical means (prestressed cables) to form said bow, stern and midship sections into an integrated hull structure of the vessel." Only Claim 19, which has been amended to clarify the invention, plus new Claims 28 and 29, are traversed here.

It is again respectfully submitted that WO 90/08059 neither discloses nor suggests a platform or vessel comprising separable defined bow, midship and stern sections as claimed. Figures 5 and 6 depict a generally rectangular platform (with irregular edges due to the use of only hexagonal modules) without any delineation or suggestion of bow, stern or separation points. As

previously stated (twice), no half-hexagonal modules are disclosed or suggested as recited in Claim 19 (which now recites the presence of both hexagonal and half-hexagonal units), which alone should defeat an anticipation rejection. This issue does not appear to Applicant's Attorney to have been addressed in the present Action.

Furthermore, this publication teaches against such an invention in several portions (See, e.g. paragraph bridging pages 3/4 and second full paragraph on page 4, plus Fig. 4) that the modules are fastened permanently at the vertices to form a stiff, monolithic structure with no suggestion whatever of separating any particular section or module once joined to form the structure. Although conceding twice in paragraph 18 that "the modules may not be intended to be separated in WO 014," the present Action states that "they can be separated". [Emphasis added.] **If this conclusion upon which the rejection at least partially relies is based upon the Examiner's personal knowledge, it is respectfully requested that the alleged facts be supported by an affidavit or declaration under 37 CFR 1.104(d) (2).**

Applicant maintains that the structure disclosed in this publication does not disclose or suggest defined portions which could be readily removed without affecting the "monolithic" quality of the structure. New Claims 28 and 29 distinguish further over this reference by providing boxes with a substantially open cross section and reinforcement contained within the surfaces or on the external edges of the boxes. Based upon the above, it is again respectfully requested that this rejection be withdrawn.

OBVIOUSNESS REJECTIONS

The rejections of Claims 1, 2, and 5 (Claim 14 having been

canceled) under 35 U.S.C. 103(a) over Garcia in view of Winslow Smith and Gainsley are again respectfully traversed. The Action states that Garcia discloses "a self-propelled vessel for transporting floating objects, comprising separate bow 10 and stern 12 sections ... to form a vessel incorporating ... floating object as a midship section, " but does not disclose [Applicant's] "bow section comprising at least one anchor, propulsion means" *et al.* Winslow is cited for an anchor, Smith allegedly for bow propulsion means and "inherently present [bow] power supply means" and Gainsley for a bow crane. The Action concludes that it would have been obvious to add to Garcia's bow section an anchor (Winslow), propulsion means, etc. of Smith and Gainsley's crane.

The motivation is said to be making Garcia's bow section independently operable as in Smith. Similarly, although Garcia does not disclose a stern anchor, it is allegedly obvious to add one to allow independent operation of the stern section. Garcia is further cited for the incorporation "as said midship section an assemblage of floating boxes 14 ... mechanically secured together."

As admitted in the Action, Garcia discloses a vessel with separable bow, stern and midship sections, but neither discloses nor suggests any of the features of the bow section claimed by Applicant. The remaining references are applied to suggest the addition of these features, one by one. Discussion of these references and rebuttal of the Examiner's positions presented in the previous Amendment are incorporated herein by reference. Gainsley discloses "a cargo vessel in the form of an oceangoing barge comprising a cargo-carrying hull 1 with a propulsion unit 2 detachably secured to the after end thereof." (Column 1, lines 44-47) The vessel has a bow 3 and holds 4, all of which are components of the barge hull. The forward crane 6 is not

attached to a detachable bow unit, but adjacent one of the holds, thus cannot suggest the crane included in the bow unit claimed by Applicant any more than a crane installed anywhere else.

Gainsley states in Column 5, lines 36-44 that multiple interlockable hull sections could be used with such a propulsion unit, but this is hardly an enabling disclosure of this concept. Winslow discloses an anchor but there is no suggestion or motivation in Garcia to provide either the bow or stern sections with such equipment.

Paragraph 22 of the present Action states *inter alia* that "Smith discloses bow section 1 with its own propulsion means," [Emphasis added.], referring to lines 5-11, column 1 of Smith's page 2. Smith discloses a WW II-era "sectional vessel" with separable bow, stern and cargo sections which can be constructed or stored anywhere, then mated to form a vessel of suitable dimensions and capabilities. Although the previous Action referred to the "propulsion means 20, 23 in the bow section of Smith" bow section 1 as shown in Figure 1 is actually the only section of the vessel not having propulsion means, although steering gear may be provided (Page 1, Column 2, lines 33-36). The stern and each of the cargo sections are provided with propulsion, but although the first full paragraph of column 3 (page 2) states that "each of the sections may be propelled ...," due to the lack of disclosure of bow unit propulsion, Applicant respectfully and firmly maintains that this statement refers to the stern and cargo (intermediate) sections only. See also Claim 3 of this patent. APPLICANT MAINTAINS THAT SMITH'S BOW SECTIONS LACK PROPULSION MEANS, BASED UPON THE PLAIN LANGUAGE OF THE DISCLOSURE AND THE RELEVANT DRAWINGS. The statement that "each and all of the sections may be propelled ... by the engines 20" clearly pertains to the midship or intermediate sections depicted in the sectional view of Figure 2 and discussed in the first

complete paragraph in column 2, page 2. Therefore, although Smith's bow section might contain steering gear and the power to operate same, it lacks propulsion and the ability to be "independently operable". This is a serious deficiency undermining the combination of references in this rejection.

Since Smith neither employs nor suggests any cranes and Gainsley's crane is not actually on a bow section, there is no suggestion or motivation to emplace a crane on the bow of Smith's vessel, especially considering the construction and apparent low freeboard of this vessel and the fact that the intermediate sections are sinkable tanks. While both Garcia's and Smith's stern sections have propulsion and controls, neither have a stern anchor (See column 2, lines 39-48.), and the mere disclosure of anchors by Winslow does not provide suggestion or motivation for installing a stern anchor on a separable, self-propelled stern section as claimed by Applicant.

In view of the above discussion, it is respectfully submitted that this rejection should be withdrawn as to Claims 1, 2 and 5.

The rejection of Claim 4 under 35 U.S.C. 103(a) over Garcia, Winslow, Smith and Gainsley as applied to Claim 3, and further in view of "Cueni" is respectfully traversed. Claim 4 now recites "integrally precast internally reinforced" concrete boxes Although Garcia is admitted here not to disclose the boxes as precast concrete (in contradiction to the paragraph bridging pages 8 and 9 of the previous Action), Cueni's disclosure of construction of "ships, barges and floating boxes of precast concrete" is alleged to render this claim obvious. Cueni actually discloses methods for "composite ship construction," assembling same by connecting precast concrete shells or slabs to metal frames to construct composite vessels or components

thereof. While this is stated to have advantages in the construction of certain vessels, there is neither disclosure nor suggestion of the "integrally, internally reinforced" precast concrete boxes recited in the present claim; in fact, Cueni teaches away from Applicant's use of integral precast components. Claim 4 has been amended to emphasize this distinction without materially altering the scope thereof.

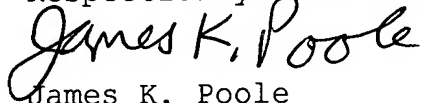
Furthermore, despite the Action's statement that Cueni discloses "floating boxes of precast concrete," neither Applicant nor his Attorney can find an illustration or mention of a precast concrete box. Cueni mentions near the bottom of the column preceding the claims that the "vessels" described may include floats, docks and "other ... structures in which there may be a rigid skeleton and concrete can be applied to give the present results." While such floats and docks could have boxlike shapes, there is no description thereof, and their construction would still apparently involve the connection of precast slabs or the like to frames, teaching away from the integral and reinforced precast concrete boxes employed in Claim 4.

Motivation to make the boxes 14 of Garcia of precast concrete is said to be "found in the first column of page 1 of Cueni". Applicant's Attorney still finds no statement reflecting such motivation in the cited column, as the objects recited therein pertain to frame-and-slab construction rather than integral precast boxes or other structures. Thus, it is respectfully submitted that Applicant's claimed vessel for transport of assemblages of floating precast concrete boxes as recited is unobvious. The transport of floating precast concrete boxes as a midship section of a vessel as disclosed and claimed and discussed above is a particularly innovative feature of the present invention. As argued above, the application of the four other references to Claim 4 lacks the required suggestion or

motivation, and adding Cueni's disclosures re precast concrete slabs, panels or the like, applied to metal frames, adds little to a weak foundation. It is therefore respectfully submitted that this rejection should be withdrawn.

It is respectfully submitted that the claims as presented are in full condition for allowance, which action is earnestly requested. Since two dependent claims have been canceled and two dependent claims added, no fees are believed to be due. If any detail or issue remains unresolved, the Examiner is respectfully invited to contact Applicant's undersigned Attorney so that the matter may be promptly resolved in a telephone interview.

Respectfully submitted,

A handwritten signature in cursive script that reads "James K. Poole". The signature is written in dark ink and is positioned directly below the typed name.

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